

## MINUTES

CASE NUMBER: CV 04-00671HG-LEK  
CASE NAME: Raymond Ware vs. Michael Chertoff in his official capacity as Secretary of the Department of Homeland Security  
ATTYS FOR PLA: Daphne E. Barbee, Esq.  
ATTYS FOR DEFT: Thomas A. Helper, AUSA  
Jeffrey J. Velasco, Esq. (TSA)

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JUDGE:	Helen Gillmor	REPORTER:	Stephen Platt
DATE:	January 29, 2008	TIME:	11:15 - 12:05

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COURT ACTION: FINAL PRETRIAL CONFERENCE -

DEFENDANT'S MOTION IN LIMINE REGARDING PERSONNEL DECISIONS OTHER THAN PLAINTIFF'S TERMINATION (SIC. - FAILURE TO PROMOTE) (Doc. 136) and  
DEFENDANT'S MOTION IN LIMINE TO EXCLUDE WITNESSES NOT DISCLOSED BY PLAINTIFF DISCLOSED PRIOR TO DISCOVERY DEADLINE (Doc. 137)

Plaintiff has until or on or before **February 7, 2008 at 4:00 p.m.** to further review the MSPB proceedings against Ken Kamahale and to file an additional response to the Court's January 25, 2008 Order requiring written proffer. Plaintiff's counsel concedes that none of the identified witnesses will testify to alleged instances of discrimination against African-Americans. Plaintiff's written proffer shall specify the precise nature of the protected activity at issue and the precise nature of the retaliation which allegedly took place as a result of the protected activity.

PLAINTIFF'S MOTION IN LIMINE NO. 1 - PROHIBITING THE DEFENDANT FROM PRESENTING HEARSAY EVIDENCE CONCERNING COMPLAINTS ABOUT WORK PERFORMANCE (Doc. 138)

Continued.

PLAINTIFF'S MOTION IN LIMINE NO. 2 - TO PROHIBIT TESTIMONY AT TRIAL CONCERNING THE GRANTING OF SUMMARY JUDGMENT PERTAINING TO

THE RECERTIFICATION TEST AND TERMINATION FOR FAILURE OF THIS TEST (Doc. 139). The parties have agreed to stipulate that Plaintiff left TSA's employment in December 2003, and that the jury should not speculate as to the reason for the end of the employment relationship, so the motion is **DENIED AS MOOT**.

PLAINTIFF'S MOTION IN LIMINE TO DISQUALIFY KENNETH KAMAHELE FROM AGENCY REPRESENTATIVE AT TRIAL (Doc. 140) is **DENIED AS MOOT**. The Defendant has represented that Ken Kamahele will not serve as its representative.

Further Pretrial Conference is set for **February 11, 2008 at 2:00 p.m.**

Jury trial is continued from February 5, 2008 to **March 11, 2008 at 9:00 a.m.**

Submitted by: Mary Rose Feria, Courtroom Manager